



November 20, 2018

Hon. Leda Dunn Wettre  
Magistrate Judge U.S. District Court  
M. L. King, Jr. Federal Building & Courthouse  
50 Walnut St., Room 2060  
Newark, NJ 07102

Re: *TIAA-CREF Investment Management, LLC, et al. v. Perrigo Company plc et al.* (No. 2:18-CV-08175-MCA-LDW) (“*TIAA-CREF*”); *Harel Insurance Company, et al. v. Perrigo Company plc et al.* (No. 2:18-CV-02074-MCA-LDW); *Carmignac Gestion, S.A. v. Perrigo Company plc et al.* (No. 2:17-CV-10467-MCA-LDW); *First Manhattan Co. v. Perrigo Company plc et al.* (No. 2:18-CV-02291-MCA-LDW); *Manning & Napier Advisors, LLC v. Perrigo Company plc et al.* (No. 2:18-CV-00674-MCA-LDW)

Dear Magistrate Judge Wettre:

This firm represents plaintiffs in a number of individual securities actions related to *Roofers’ Pension Fund v. Papa and Perrigo Company plc*, No. 2:26-cv-2805(MCA)(LDW) (“Class Action”). With Robbins Geller Rudman & Dowd LLP, we represent plaintiffs in *TIAA-CREF Investment Management, LLC, et al. v. Perrigo Company plc et al.* (No. 2:18-CV-08175-MCA-LDW) (“*TIAA-CREF*”); and *Harel Insurance Company, et al. v. Perrigo Company plc et al.* (No. 2:18-CV-02074-MCA-LDW) (“*Harel*”). And with Kessler Topaz Meltzer and Check, LLP, we represent plaintiffs in *Carmignac Gestion, S.A. v. Perrigo Company plc et al.* (No. 2:17-CV-10467-MCA-LDW); *First Manhattan Co. v. Perrigo Company plc et al.* (No. 2:18-CV-02291-MCA-LDW); and *Manning & Napier Advisors, LLC v. Perrigo Company plc et al.* (No. 2:18-CV-00674-MCA-LDW).<sup>1</sup>

We write jointly on behalf of the plaintiffs in the Individual Actions (the “Individual Action Plaintiffs”) and Defendants in regard to the Text Orders dated November 20, 2018 in the *TIAA-CREF* (ECF 49) and *Harel* (ECF 57) Individual Actions converting the November 27 and 28, 2018 initial scheduling conferences in *TIAA-CREF* and *Harel* to a telephone conference on November 28, 2018 at 11:30 a.m., and to seek approval of the discovery schedule and discovery coordination plan agreed to by the parties in the Individual Actions.

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<sup>1</sup> The above referenced individual actions will be referred to collectively as the “Individual Actions.” The Individual Actions and the Class Action will be referred to collectively as the “Related Actions.”

### ***TIAA-CREF and Harel* Conferences**

On November 7, 2018, the Court issued orders setting initial scheduling conferences for November 27, 2018 in *Harel* and November 28, 2018 in *TIAA-CREF*. As discussed with Your Honor's chambers on November 16, 2018, the *Harel* and *TIAA-CREF* parties agreed that there was no need for preliminary conferences in *Harel* and *TIAA-CREF*, as the parties have agreed on a discovery schedule and a plan to coordinate discovery-related matters with the discovery in the Class Action. On November 20, 2018, the Court issued the Text Orders in *TIAA-CREF* and *Harel* converting the initial scheduling conferences to a telephone conference on November 28, 2018. Accordingly, based upon the proposed Discovery Schedule and Coordination Plan set forth below, we respectfully request that the Court enter an order modifying the November 20, 2018 Text Orders to cancel both the initial scheduling conferences on November 27 and 28, 2018 and the telephone conference on November 28, 2018 in *TIAA-CREF* and *Harel*. The Individual Action Plaintiffs will attend the November 28, 2018 discovery teleconference scheduled in the Class Action.

### **Individual Actions Discovery Schedule and Discovery Coordination Plan**

In our October 19, 2018 letter to the Court, we indicated that the Individual Action Plaintiffs and Defendants had agreed upon a discovery schedule for the Individual Actions. Many of the dates we provided in that letter depended upon the schedule of the Class Action, which this Court has since set in its Pretrial Scheduling Order for the Class Action. Class Action ECF No. 149. The parties have also served their Rule 26(a)(1) disclosures. Accordingly, the parties in the Individual Actions have updated the discovery deadlines for the Individual Actions where applicable and jointly seek the Court's approval of the updated schedule and the discovery coordination plan. If the following proposed schedule and discovery coordination plan meet with Your Honor's approval, the parties respectfully request that it be so ordered.

### **Individual Actions Discovery Schedule**

<b>FACT DISCOVERY</b>	<b>INDIVIDUAL ACTIONS' DEADLINE</b>
<i>Fact discovery deadline</i>	<b>November 15, 2019</b>
<b>EXPERT DISCOVERY</b>	
<i>Affirmative expert reports</i>	Affirmative expert report(s) shall be served by the party bearing the burden of proof for a subject no later than <b>60 days</b> after affirmative expert reports are served by the party bearing the burden of proof in the Class Action.
<i>Rebuttal expert reports</i>	No later than <b>60 days</b> following the deadline to serve rebuttal expert reports in the Class Action.
<i>Reply expert reports</i>	No later than <b>60 days</b> following the deadline to serve reply expert reports in the Class Action.
<i>Expert depositions</i>	No later than <b>60 days</b> following the deadline for expert depositions in the Class Action.

<b>PRE-TRIAL AND TRIAL</b>	
<i>Dispositive motion deadline</i>	TBD
<i>Pre-trial conference</i>	TBD
<i>Trial</i>	TBD

### **Individual Actions Discovery Coordination Plan**

1. The requests for production served on Defendants in the Class Action shall be deemed served in the Individual Actions, but with a relevant period of January 1, 2013 through May 22, 2017. The parties agree that Defendants' objections and responses shall likewise be deemed served in the Individual Actions, including any objections related to the relevant period. Also, Individual Action Plaintiffs agree not to serve additional document requests until after Defendants have made their first production of documents in response to the requests already served on them in the Class Action. To the extent that the Court in the Class Action sets a deadline for substantial completion of document production of documents responsive to the requests for production dated September 7, 2018 and served in the Class Action, that deadline shall govern production of those documents in the Individual Actions as well.

2. All discovery in any of the Related Actions will be deemed discovered in each of the actions, including non-party discovery to the extent the non-party agrees. Excluded from this agreement is any discovery (1) produced by current or former employees or agents of Lead Plaintiffs or Class Representatives; (2) solely and directly related to Lead Plaintiffs' or Class Representatives' investment decisions, standing, typicality or adequacy of representation; and (3) produced by the Individual Action Plaintiffs or any third-party related to the Individual Action Plaintiffs.

3. The Individual Action Plaintiffs will participate in any meaningful discussions between Defendants and the Class Action plaintiffs concerning discovery, including the meet and confer process and discussions related to scope and the parameters and process of electronic discovery.

4. Depositions taken in the Class Action shall be deemed taken in the Individual Actions and the Individual Action Plaintiffs will be permitted to have a full right of participation in the fact witness depositions, including the opportunity to examine witnesses during the depositions (subject to coordination with Class counsel). The parties in the Related Actions have not agreed to the amount of time each witness will be required to sit for his or her deposition.

5. The interrogatories served on Defendants in the Class Action shall be deemed served in the Individual Actions. Likewise, Defendants' objections and responses to the interrogatories in the Class Action shall be deemed objections and responses in the Individual Actions. The parties also agree that the combined Plaintiffs in each Individual Action are provided five interrogatories in addition to the Class Action interrogatories and the combined Defendants in each Individual Action are limited to ten interrogatories in each Individual Action.

6. The Individual Action Plaintiffs and Defendants have not agreed to the number of depositions that each side in the Individual Action should be permitted to take in addition to the depositions in the Class Action. The parties agree that each side should be permitted to take a limited number of additional depositions, however, the precise number will be determined at a later date.

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THE COURT HEREBY ORDERS, this \_\_\_\_ day of November 2018, that:

1. the November 20, 2018 Text Orders in *Harel* and *TIAA-CREF* are hereby modified to cancel both the initial scheduling conferences in *Harel* and *TIAA-CREF* scheduled for November 27 and 28, 2018, respectively, and the telephone conference scheduled in *TIAA-CREF* and *Harel* for November 28, 2018 at 11:30 a.m.;
2. the foregoing Individual Actions Discovery Schedule is APPROVED, and
3. the foregoing Individual Actions Discovery Plan is APPROVED.

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Hon. Leda Dunn Wettre  
United States Magistrate Judge